

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

SHARONDA FRANCINE BENNETT,

Plaintiff,

v.

Case No: 6:21-cv-553-GKS-LRH

COMMISSIONER OF SOCIAL  
SECURITY

Defendant.

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**REPORT AND RECOMMENDATION  
TO THE UNITED STATES DISTRICT COURT:**

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: UNOPPOSED MOTION FOR ENTRY OF  
JUDGMENT UNDER SENTENCE FOUR OF 42 U.S.C.  
§ 405(g) WITH REMAND OF THE CAUSE TO  
DEFENDANT (Doc. No. 22)**

**FILED: January 7, 2022**

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**THEREON it is RECOMMENDED that the motion be GRANTED.**

The Commissioner of Social Security moves to remand this case pursuant to sentence four of 42 U.S.C. § 405(g), so that the following may occur:

On remand, the Appeals Council will instruct the Administrative Law Judge (ALJ) to consider the borderline age situation, state whether the higher age category has been applied or the chronological age and note the specific factors considered. The ALJ shall obtain vocational expert (VE) testimony to determine if Plaintiff has transferable skills. The ALJ shall issue a new decision.

Doc. No. 22, at 1. Plaintiff does not oppose the motion. *Id.* Upon consideration, the undersigned finds the request well taken. Accordingly, it is **RESPECTFULLY RECOMMENDED** that the Court:

1. **GRANT** the Unopposed Motion for Entry of Judgment Under Sentence Four of 42 U.S.C. § 405(g) with Remand of the Cause to Defendant (Doc. No. 22);
2. **REVERSE** and **REMAND** the final decision of the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g), for the above-state reason; and
3. **DIRECT** the Clerk of Court to enter judgment in favor of Plaintiff and against the Commissioner, and thereafter to **CLOSE** this case.

#### **NOTICE TO PARTIES**

A party has fourteen days from the date the Report and Recommendation is served to serve and file written objections to the Report and Recommendation's factual findings and legal conclusions. Failure to serve written objections waives that party's right to challenge on appeal any unobjected-to factual finding or legal

conclusion the district judge adopts from the Report and Recommendation. 11th Cir. R. 3-1.

Recommended in Orlando, Florida on January 10, 2022.

  
LESLIE R. HOFFMAN  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Presiding District Judge  
Counsel of Record